

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARCUS BROWN	)	
	)	Civil Action No. 08-1699
Plaintiff,	)	
	)	Judge Terrence F. McVerry
v.	)	
	)	
C.O. GILKEY, et al.,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

On December 12, 2008, the above captioned case was initiated by the filing of a Complaint without any filing fee or motion to proceed *in forma pauperis* (doc. no. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on January 7, 2009 (doc. no. 4) recommending that the Complaint be dismissed for failure to prosecute. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until January 26, 2009 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 9th day of February, 2009;

**IT IS HEREBY ORDERED** that the Complaint is **DISMISSED** for failure to prosecute.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 4) of Magistrate Judge Lenihan dated January 7, 2009, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Terrence F. McVerry  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

MARCUS BROWN  
DG-3374  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137